

BRIDGEWATER TOWNSHIP  
ZONING BOARD OF ADJUSTMENT

Regular Meeting  
Tuesday, June 26, 2012

—MINUTES—

CALL MEETING TO ORDER:

Vice-Chairman Sweeney called the regular meeting of the Bridgewater Township Zoning Board of Adjustment to order at 7:30 p.m. in the Bridgewater Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey.

OPEN PUBLIC MEETING ANNOUNCEMENT:

Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act N.J.S.A.10:4-6. On January 20, 2012, proper notice was sent to the Courier News and the Star-Ledger and filed with the Clerk at the Township of Bridgewater and posted on the bulletin board in the Municipal Building.

Please be aware of the Zoning Board of Adjustment policy for public hearings: No new applications will be heard after 10:15 pm and no new testimony will be taken after 10:30 pm. Hearing assistance is available upon request.

ROLL CALL:

Don Sweeney – present	Jay Rosen – <b>absent</b>
Jim Scott – present	Paul Riga – <b>absent</b>
William Vornehm, Chairman – <b>absent</b>	Lee Schapiro – present
Pushpavati Amin - present	Evans Humenick, Alt. #1 – present
Carl Schulz, Alt. #2 – <b>absent</b>	Michael Kirsh, Alt. #3 – present
Beth Powers, Alt. #4 - present	

Others present: Attorney Lawrence A. Vastola, Land Use Administrator Marie L. Broughman, Board Planner Scarlett Doyle

MINUTES FOR APPROVAL:

**May 22, 2012 Special Meeting** – Due to the discrepancy in the written transcript attached to the minutes, the Board deferred adoption of the minutes until the transcripts are corrected.

**June 5, 2012 Regular Meeting** – Motion by Mr. Kirsh, second by Mrs. Powers the foregoing minutes were adopted as amended on the following roll call vote:

AFFIRMATIVE:	Vice-Chairman Sweeney, Mr. Humenick, Mr. Schulz, Mr. Kirsh, Mrs. Powers
ABSENT:	Mr. Rosen, Mr. Riga, Chairman Vornehm
NOT ELIGIBLE:	Mr. Schapiro, Mr. Scott, Mrs. Amin

**June 19, 2012 Regular Meeting** – The foregoing minutes will be presented for Board consideration at the next meeting.

MEMORIALIZING RESOLUTIONS:

**T-Mobile Northeast LLC - 606 North Bridge Street**

**Block 500, Lot 1**

**#03-10-ZB, Minor Ste Plan w/ Variances** (installation of flagpole tower)

DECISION: DENIED 5/22/12

Eligible to vote: Mr. Scott, Mr. Sweeney, Mr. Schapiro, Mrs. Amin, Chairman Vornehm, Mr. Humenick, Mr. Schulz

The foregoing resolution will be presented for Board consideration at the next meeting. No action was taken.

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**COLLINS – Woodside Lane**

**Block 221, Lot 2.02**

**#12-007-ZB, Bulk and Use Variance(s)** (construct two-story dwelling)

DECISION: APPROVED 6/19/12

Motion by Mr. Kirsh, second by Mrs. Amin the foregoing resolution memorializing the approval on 6/19/12 was adopted as presented on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Humenick, Mr. Kirsh, Mrs. Powers

ABSENT: Mr. Rosen, Mr. Riga, Chairman Vornehm, Mr. Schulz

NOT ELIGIBLE: Mr. Schapiro, Mr. Scott

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**WIERZBA – 13 Field Street**

**Block 332, Lot 3**

**#17-10-ZB, Bulk Variance and Improved Lot Coverage**

DECISION: APPROVED 6/19/12

Motion by Mrs. Amin, second by Mr. Kirsh, the foregoing resolution memorializing the approval on 6/19/12 was adopted as presented on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Humenick, Mr. Kirsh, Mrs. Powers

ABSENT: Mr. Rosen, Mr. Riga, Chairman Vornehm, Mr. Schulz

NOT ELIGIBLE: Mr. Schapiro, Mr. Scott

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HEARING AND DELIBERATIONS:

**RIGHETTI – 39 Milltown Road**

**Block 104 Lot 6.01**

**#12-008-ZB, C-Variance: Accessory Structure side yard setback** (swimming pool)

TIME: 120=10/2/12

Applicants Pete and Susan Righetti were present and represented themselves. They provided

sworn testimony.

Applicants did not submit any exhibits.

They stated the pool is an 18-foot round pool with 18.5-ft side yard setbacks proposed, where 20-feet is required. The property is an undersized lot with a narrow width and a c-variance is required for the accessory structure setback due to this hardship. The Applicant's agreed to comply with Planner Doyle's recommendation to install a vegetative buffer along the side yard setbacks near the proposed pool and they will work with the Board Planner on specific types of vegetation.

Planner Doyle referenced her report dated 6/16/12 and discussed section 126-328C(2). She requested an interpretation from the Board to determine if fewer applications could be heard by the Board due to this section of the Code. Board Attorney Vastola stated that it is the decision of the Zoning Officer regarding interpretation and application of the Code, not the Board. Applicants have a right to appeal the decision of the Zoning Officer or may apply for an interpretation. Attorney Vastola stated that the Zoning Officer's attorney is the Township Attorney, not the Board Attorney. He directed the Board to proceed with the application for the accessory structure swimming pool with variances for side yard setbacks.

The Board reviewed the Township Engineer's report dated 6/14/12 and recommended the Applicant request side yard setbacks of 18-feet in order to accommodate wiggle room for installation of the 18-foot round above ground swimming pool.

The Board deliberated and discussed conditions including:

- Applicant to work with the Board Planner with selection and placement of a vegetative buffer
- Application has been revised to include side yard setbacks of 18-feet rather than 18.5-feet originally requested.

Motion by Mr. Scott, second by Mr. Kirsh, the foregoing application was approved with the conditions discussed on the following roll call vote:

AFFIRMATIVE: Vice-Chairman Sweeney, Mr. Schapiro, Mr. Scott, Mrs. Amin,  
Mr. Humenick, Mr. Kirsh, Mrs. Powers

ABSENT: Mr. Rosen, Mr. Riga, Chairman Vornehm, Mr. Schulz

Board Attorney Vastola read the resolution into the record. Motion by Mr. Kirsh, second by Mr. Schapiro, the foregoing resolution was adopted as presented on the following roll call vote:

AFFIRMATIVE: Vice-Chairman Sweeney, Mr. Schapiro, Mr. Scott, Mrs. Amin,  
Mr. Humenick, Mr. Kirsh, Mrs. Powers

ABSENT: Mr. Rosen, Mr. Riga, Chairman Vornehm, Mr. Schulz

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**SENA – 610 Pennlyn Place**

**Block 470 Lot 15**

**#12-013-ZB, C-Variance: Rear yard setback** (additions & 2-car detached garage)

TIME: 120=10/6/12

The Applicant, Robert Sena, was present to represent himself. Sworn testimony was presented by Robert Sena and Professional Engineer Stephen Parker.

Applicant did not submit any exhibits.

Applicant Sena stated that the existing dwelling is a one-story ranch. He is proposing to construct an addition on the rear side of the dwelling and a detached two-car garage. A third garage bay is being added to the existing garage attached to the house, but a variance is not being requested nor is it needed.

Engineer Parker reviewed the Township Engineer's report dated 6/14/12 and agreed to accept and comply with the calculations for steep slope contour lines, which will alleviate the need for an improved lot coverage variance. A variance for a rear yard setback of 35.25-feet is being requested, where 53.38-feet exists and 75-feet is required. This is due to a hardship variance of the angled location of the dwelling on a rectangular shape property located on the cul-de-sac on Pennlyn Place.

The Board deliberated and discussed conditions including:

- Revising application to include the suggested calculations of the Township Engineer for improved lot coverage and contour lines for steep slopes
- Comply with the Board Planner's report dated 6/16/12 regarding tree replacement, street trees

Motion by Mr. Schapiro, second by Mr. Scott the forgoing application was adopted with conditions on the following roll call vote:

AFFIRMATIVE: Vice-Chairman Sweeney, Mr. Schapiro, Mr. Scott, Mrs. Amin,  
Mr. Humenick, Mr. Kirsh, Mrs. Powers

ABSENT: Mr. Rosen, Mr. Riga, Chairman Vornehm, Mr. Schulz

MEETING OPEN TO THE PUBLIC:

There were no members of the public wishing to address the Board on any matter not listed on the agenda.

OTHER BOARD BUSINESS:

There was no other business discussed.

ADJOURNMENT:

It was the consensus of the Board to adjourn at approximately 8:30 pm.

Respectfully submitted,  
Marie L. Broughman,  
Land Use Administrator/Board Clerk